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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION**

George Calcut, *et al.*,

Plaintiffs,

v.

Paramount Residential Mortgage Group  
Incorporated, *et al*  
Defendants.

Case No. 2:22-cv-01215

**DEFENDANTS' STATEMENT OF  
MATERIAL FACTS IN SUPPORT  
OF MOTION FOR SUMMARY  
JUDGMENT**

Defendants Paramount Residential Mortgage Group, Inc. ("PRMG") and Cenlar FSB, ("Cenlar") pursuant to the Federal Rule of Civil Procedure 56, and Local Rule 56.1, respectfully submit this Statement of Material Facts in support of their Motion for Summary Judgment and respectfully state as follows:

1. On April 17, 2020, Plaintiffs obtained a mortgage loan from PRMG in the amount of \$253,800 (the "Loan"), with a 2.750% interest rate. *See Ex. A-1* (Note), *Ex. A-2* (Deed of Trust).

2. Plaintiffs requested and were allowed to put their loan in forbearance in November 2020. On May 28, 2021, Plaintiffs contacted Cenlar stating they were interested in ending the forbearance and inquiring about loss mitigation options which would allow them to begin making payments once again. *See Ex. A* (D. McCormick Aff.) at ¶ 13.

1           3.       On June 1, 2021, Cenlar sent Plaintiffs a letter confirming they were approved  
2 for a trial payment plan, which, if completed would make Plaintiffs eligible for VA Disaster  
3 Modification. *See Ex. A-7* (06.01.2021 Trial Payment Plan Letter). The letter provided the  
4 projected loan terms for the loan modification including the estimated new principal  
5 balance, an estimated an interest rate of 3.5%, and projected principal and interest payments.

6 *Id.*

7  
8           4.       Plaintiffs submitted complaints to the Consumer Financial Protection Bureau  
9 regarding the loan modification process and regarding a reporting of delinquency on their  
10 loan for July 2021. On August 5, 2021, Cenlar and PRMG responded to the Plaintiffs'  
11 complaints submitted to the Consumer Financial Protection Bureau ("CFPB"),  
12 acknowledging an error in reporting Plaintiff's loan as delinquent for July 2021, but denying  
13 any error as to Plaintiffs' loan modification. *See Ex. A-12* (08.05.2021 CFPB Complaint  
14 Response).

15  
16           5.       On August 16, 2021, in response to a credit dispute submitted by Mr. Calcut,  
17 Cenlar submitted an ACDV response to correct the previous reporting of delinquency for  
18 July 2021. *See Ex. A-11* (ACDV Reports).

19  
20           6.       On August 18, 2021, Trans Union issued a credit report showing the credit  
21 reporting issue had been corrected and the loan was reported as current and "paying as  
22 agreed." *See Ex. B* (Trans Union Documents).

23  
24           7.       On August 25, 2021, Experian issued a credit report showing the credit  
25 reporting issue was corrected, and the loan was reported as current. *See Ex. C* (Experian  
26 Documents).

1           8.     On September 15, 2021, Plaintiffs accepted a permanent loan modification  
2     which capitalized past due amounts, extended the loan term, and increased the interest rate  
3     to 3.375%. **Ex. A-9** (Executed Loan Modification).

4  
5           9.     On September 18, 2021, in response to a new credit dispute submitted by Mr.  
6     Calcut, Cenlar again submitted an ACDV response showing the account was current and  
7     there was no past due amount for July 2021. **Ex. A-11**.

8  
9           10.    On or about October 12, 2021, Cenlar began utilizing the Veterans Assistance  
10    Partial Claim Program as a loss mitigation option for borrowers with VA loans. *See Ex. A*  
11    at ¶ 18.

12           11.    On October 26, 2021, Cenlar and PRMG timely responded to the Plaintiffs'  
13    second complaint submitted to the CFPB, again acknowledging a credit reporting error in  
14    reporting Plaintiff's loan as delinquent for July 2021, but denying any error as to Plaintiffs'  
15    loan modification. *See Ex. A-13* (10.26.2021 CFPB Complaint Response).

16  
17           12.    On October 28, 2021, in response to a new credit reporting dispute from Mr.  
18    Calcut, Cenlar submitted an ACDV response showing no past due amount for July 2021.  
19    **Ex. A-11**.

20  
21           13.    On October 28, 2021, Equifax issued a report showing the credit reporting  
22    issue had been corrected, and the loan was reporting as current. *See Ex. D* (Equifax  
23    Documents).

24  
25           14.    On May 31, 2022, Plaintiffs refinanced their loan with United Trust Bank  
26    ("UTB"). *See Ex. E* (UTB Mortgage). The new loan increased Plaintiffs' interest rate to  
27    4.75%. Plaintiffs paid off the Loan, paid off \$36,283.00 in credit card debt, and received  
28

1 \$101,297.72 in cash from the refinance. *Id.*; *see also* **Ex. F** (UTB Closing Disclosures),  
2 **Ex. G** (George Calcut Dep.) at 47:17–48:6.

3  
4 15. In his deposition, Plaintiff George Calcut admitted the reason for the delay in  
5 closing the refinance of the loan with UTB was because Plaintiffs had to “complete six  
6 months of payments before United Trust or anybody else would touch me” following the  
7 loan modification. **Ex. G** (George Calcut Dep.) 112:4 – 113: 17.

8 Respectfully submitted,

9  
10 s/ G. Benjamin Milam

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